Appendix A: Special TAG Amendment Request

CTEC requests a one-time supplemental $50,000 added to our existing Technical Assistance Grant (TAG) to enable CTEC to hire an independent technical advisor expert in stream restoration and construction.

The funds will be used to perform a time-critical evaluation of existing data to assess the feasibility of restoring a lined, meandering Silver Bow Creek channel that would run from Texas Avenue west to the confluence with Blacktail Creek. The assessment will be done in coordination with the Restore Our Creek Coalition (ROCC). This assessment's urgency is associated with the need for Butte residents, as represented by CTEC, to gain assurance of the reliability of EPA's assertion that the proposed construction of stormwater control features within the Upper Silver Bow Creek corridor will not preclude the restoration of a lined, meandering creek. This assurance needs to be provided in time to be considered during final Consent Decree decision-making scheduled for early fall, 2019—hence, the project has a two-month window for completion.

Under this agreement, CTEC will select a contractor, to determine—in consultation with ROCC, EPA and the contractor—appropriate criteria for completing the feasibility review. CTEC will function as the fiscal agent for managing the grant and disbursing funds to the contractor. CTEC will deploy these specially allocated TAG resources to support this independent feasibility assessment without seeking to influence its outcome.

This time-critical TAG request is understood to be submitted alongside CTEC's regular amended request for $50,000 for the coming year's operations, with $10,000 added to cover the extra costs of the Health Study Working Group Technical Advisor associated with the current Five-Year Health Study. The total for the current TAG request then comes to $110,000, of which $50,000 is time-critical, based on EPA's schedule for completing the BPSOU Consent Decree.

A statement of work for the required contractor's responsibilities and anticipated results accompanies this request (*Review to Evaluate the Compatibility of Remedial Plans with Existing Plans for Restoring Upper Silver Bow Creek*).

Statement of Work

Review to Evaluate the Compatibility of Remedial Plans with Existing Plans for Restoring Upper Silver Bow Creek

Purpose: to provide the Butte community with a conceptual framework and feasibility review to evaluate EPA's repeated public assurances that the proposed BPSOU plan for a storm water detention pond system in the Upper Silver Bow Creek Corridor will not impede the development of a restored, lined meandering Silver Bow Creek as envisioned in Restore Our Creek Coalition's (ROCC's) *Silver Bow Creek Headwaters Park* plan.

Put simply, this effort will analyze and report the requirements for restoring a meandering creek channel amid the remedial elements planned for the creek corridor that are specified in EPA's 2019 ROD amendments for BPSOU.

This requires engaging an independent contractor with expertise in stream restoration and construction and a familiarity with Butte's Superfund remedial and restoration circumstances, to conduct a thorough feasibility review of the assertion stated above. Because prior EPA assurances were based on ROCC's *Silver Bow Creek Headwaters Park* plan, the contractor will work from, but not be limited to, the conceptual framework in that publication and will consult regularly with CTEC, EPA and ROCC to ensure that the resulting creek layout comports with the vision embodied in that plan. This effort by the independent contractor will produce results that can be integrated with the BPSOU CD process and that meet the following criteria:

1. **Remedy Compatibility.** The review conducted must account for how the proposed meandering lined creek can be constructed so as to be compatible with the remedial plans' storm water control features in the BPSOU CD and also with the Natural Resource Damage Parrot Tailings restoration project and other remedial activities from Texas Avenue to Montana Street.
2. **Documentation.** Making use of the massive archive of Superfund-related documentation, the review will provide a detailed survey of the proposed restored lined Silver Bow Creek channel from Texas Avenue to the confluence with Blacktail Creek that accounts for property ownership, easements, infrastructure, elevations, and any other factor

that may affect any future design and functioning of a restored creek. The contractor will base interpretations, evaluations, and conceptual plans on data available to entities involved in remedial decisions, which will be provided to the contractor. Much of this data is available through the RMAP program's database.

3. **Scope and Scale of Restored Silver Bow Creek.**
    a. The plan of the lined creek will ensure that currently contaminated groundwater beneath the planned creekway will have no contact with the clean water flowing along the restored creek until such time that the lining is no longer needed.
    b. The restored lined creek will rely on gravity flow to the extent possible from the point where its source enters the channel at Texas Avenue to the point where it meets Blacktail Creek near the Chamber of Commerce.
    c. The review will assess the feasibility of the proposed creek being able to accommodate anticipated future flows from remedially mandated water treatment discharge demands and other available waters with a target of no less than the average daily flow of Blacktail Creek over the last 10 years.
    d. The review will assess the feasibility of maintaining the creek's meandering character proposed by the impacted community given the land use assumptions in EPA's planned remedy.
    e. To assess the potential impact of proposed remediation plans, the review of existing Superfund documentation will identify infrastructural challenges along the creek route/alignment, including crossings of streets, roads, walking paths, pipelines and the existing Silver Bow Creek channel.
    f. The review of existing Superfund documentation will identify private land issues along the route of the creek channel as constrained by the proposed remedy.
4. **Costs.** Using existing cost estimates from the proposed remedial activities, the review will assess the effects of the planned remedy on costs associated with construction of the restored lined creek (-25% to +25%), including cost-mitigation measures that can be factored into plans underway for storm water-control construction activities throughout the corridor.
5. **Project Management and Evaluation.** CTEC will manage all financial aspects of the project, including disbursement of funds,

documenting cost-matching from CTEC, and other TAG-related documentation. A special committee of CTEC members who are also actively involved in the Restore Our Creek Coalition will regularly interact with the contractor to ensure that the contracted work is achieving the desired results. Upon project completion, results of this review will be made available to the public.

6. **Time Frame / Schedule of Work.** The review's urgency is driven by EPA's anticipated approval of its latest ROD amendments and Consent Decree finalization for BPSOU. It is anticipated that the preliminary nature of this review should be accomplished in approximately 60 days. This project will help satisfy the community acceptance criterion associated with the CD decision documents, which are currently projected for completion in the fall of 2019.
   The contractor will regularly provide updates to CTEC, reporting milestones to indicate periodic status of the evaluation of conceptual layout elements. CTEC will ensure that ROCC and other affected community members are kept informed of the progress and results of the review.
   Two-month Timeline, project milestones:

7.

Timeline	**Project Milestones**
First 7 days	Establish contract with technical advisor
Next 30 days	Identify potential barriers / obstacles to creek restoration that are associated with remedial plans for the corridor
Next 14 days	Recommend ways to help overcome various remedy-related issues that might serve as obstacles to the feasibility of creek restoration identified in 30-day review (above)
Final 10 days	Prepare and present a summary report indicating what measures will be required to restore a lined Silver Bow Creek amid the many remedial plans laid out for that corridor, including (but not limited to) • Cost estimates of the remedy's effect on proposed restoration measures • Potential cost-savings from anticipating design and development of restoration alongside remedial design & construction

- Visualizations showing how a restored creek can be compatible with the stormwater-related remedial elements